

ASSEMBLY BILL

No. 1550

Introduced by Assembly Member Goldberg
(Coauthor: Senator Alpert)

February 21, 2003

An act to amend Section 37670 of, to add Section 66104 to, and to add Chapter 8 (commencing with Section 10700) to Part 7 of, the Education Code, relating to public education.

LEGISLATIVE COUNSEL'S DIGEST

AB 1550, as introduced, Goldberg. Public education.

(1) Existing law establishes various provisions relating to the construction of sufficient educational facilities for every component of the public education system including early child care facilities, elementary and secondary school facilities, and higher education facilities.

This bill would require the Department of General Services to adopt regulations establishing standards for new school facilities, including, but not limited to, early childhood education facilities and postsecondary education facilities.

This bill would require the Department of General Services to establish and maintain an inventory of all available public educational facilities and would require all sectors of public education to cooperate with the department in compiling and maintaining the inventory. By requiring this cooperation, this bill would impose a state-mandated local program.

This bill would require the Legislative Analyst and the Director of Finance to jointly develop a plan for the construction of facilities for all sectors of public higher education.

This bill would declare that prescribed provisions apply to the University of California only if the Regents of the University of California consent thereto.

(2) Existing law authorizes a school district to operate a program of year-round scheduling for as few as 163 days in each fiscal year, if the number of annual instructional minutes is not less than that of schools of the same grade levels utilizing the traditional school calendar.

This bill would instead authorize a program of multitrack year-round scheduling to operate for as few as 163 days in a fiscal year only until July 1, 2003, and would require these programs to provide not less than the number of annual instructional minutes that schools of the same grade levels that utilize traditional school calendar provide.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Significant research documents that clean, safe, well
4 maintained, and otherwise suitable learning environments have a
5 positive impact on pupil and student learning, while the opposite
6 is true of unsuitable environments.

7 (b) Negative learning environments have a negative impact on
8 the ability of schools to provide quality teaching and leadership
9 that is necessary to provide a high quality education.

10 (c) Therefore, the environment of every school, college,
11 community-based learning center, or university facility should
12 meet all of the following criteria:



(1) The school environment should be safe and supportive, including, but not limited to, an environment that is free from harassment, abuse, discrimination, drugs, and violence.

(2) The educational facilities, in sufficient numbers to adequately deliver the local educational program, should be located within reasonable commuting distance from the residence of a pupil or student.

(3) The educational facilities should include adequate laboratories and studios for pupils and students to complete rigorous work in all subject areas.

(4) The educational facilities should include healthful and safe outdoor space of adequate size for pupil and student physical education, exercise, and sports.

(5) The educational facilities should include adequate pupil and student healthcare facilities.

(6) The educational facilities should include adequate pupil and student food service facilities.

(7) The school buildings, classrooms, and other learning environments should have adequate space for instructional needs.

(8) The school buildings, classrooms, and other learning environments should be clean and well maintained.

(9) School buildings, classrooms, and other learning environments should be in good repair and free from fire and other health or safety hazards.

(10) The school buildings and classrooms should have adequate ventilation and necessary heating and air-conditioning.

(11) The school buildings and classrooms should have adequate lavatories and sanitary facilities that are unlocked, accessible, well-stocked, and maintained in decent and safe condition.

SEC. 2. Chapter 8 (commencing with Section 10700) is added to Part 7 of the Education Code, to read:

CHAPTER 8. FACILITIES FOR EARLY CHILDHOOD EDUCATION
THROUGH HIGHER EDUCATION

Article 1. Facility Standards

10700. (a) The Department of General Services shall adopt regulations establishing clear, concise, and workable school

1 facilities standards to ensure a high-quality and high-performance
2 teaching and learning environment.

3 (b) All newly constructed public school facilities for which a
4 construction contract is signed on or after 30 calendar days after
5 the effective date of the standards adopted pursuant to this section
6 shall comply with the standards.

7 10701. (a) The standards shall contain three distinct
8 components, one for state financed early childhood education
9 facilities, one for public elementary and secondary school
10 facilities, and one for public postsecondary education facilities.

11 (b) The standards shall be developed in consultation with the
12 State Department of Education, the Board of Governors of the
13 California Community Colleges, the Trustees of the California
14 State University and the Regents of the University of California,
15 as appropriate.

16 10702. The standards for elementary and secondary schools
17 shall be incorporated into the construction plans obtained by the
18 State Allocation Board pursuant to Article 2 (commencing with
19 Section 17260).

20 10703. With regard to state-funded early childhood
21 education, it is the intent of the Legislature that the standards
22 improve the availability, quality, and maintenance of those
23 facilities.

24 10704 This article applies to the University of California only
25 if the Regents of the University of California consents thereto.
26

27 Article 2. Public Educational Facilities Inventory

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29 10720. The Department of General Services shall establish
30 and maintain an inventory of all available public educational
31 facilities within this state. The inventory shall include all facilities
32 under the control of all of the following entities, that may be
33 utilized for any educational purposes:

34 (a) State-funded early childhood education providers.

35 (b) School districts or county offices of education.

36 (c) The California Community Colleges.

37 (d) The California State University.

38 (e) The University of California.

39 10721. The inventory shall include, at a minimum, all of the
40 following:



1 (a) A description of the facility.

2 (b) The facility's pupil or student loading capacity.

3 (c) A description of its current use and condition.

4 (d) An assessment of its expected life, and a description of any
5 prior or planned modernization or renovation projects that would
6 extend the expected life of the facility.

7 (e) An assessment of the regional importance of the facility,
8 including, but not limited to, an analysis of similar existing or
9 planned facilities within that region and the facilities role in
10 meeting the current and projected enrollment of the region.

11 10722. (a) All sectors of public education described in this
12 article, from early childhood education through postsecondary
13 education, shall cooperate with the Department of General
14 Services in compiling and maintaining the inventory required
15 pursuant to this article.

16 (b) Each state-funded early childhood education facility,
17 school district, county office of education, community college
18 campus, state university campus, and campus of the University of
19 California, shall ensure that necessary data is provided for
20 inclusion within the inventory of all facilities under its
21 jurisdiction, as required by this article.

22 10723. In order to support facilities planning activities, the
23 Department of General Services shall make available to
24 appropriate state agencies the data contained in the inventory
25 required pursuant to this article.

26 10724. This article applies to the University of California
27 only if the Regents of the University of California consent thereto.

28 SEC. 3. Section 37670 of the Education Code is amended to
29 read:

30 37670. (a) Notwithstanding any other provision of law, any
31 school district may operate a program of multitrack year-round
32 scheduling at one or more schools within the district. *Until July 1,*
33 *2003, a program of multitrack year-round scheduling may operate*
34 *for as few as 163 days in each fiscal year, so long as the number*
35 *of annual instructional minutes is. A program operated pursuant*
36 *to this section shall provide not less than the number of annual*
37 *instructional minutes that of schools of the same grade levels*
38 *utilizing the traditional school calendar provide.*

39 (b) All certificated employees under this program, except those
40 serving under an administrative or supervisory credential and

1 who are assigned full time to a school in positions requiring
2 qualifications for certification, shall work the same number of
3 days and shall increase the number of minutes worked daily on a
4 uniform basis.

5 (c) A program conducted pursuant to this section shall be
6 eligible for apportionment from the State School Fund.

7 SEC. 4. Section 66104 is added to the Education Code, to
8 read:

9 66104. (a) The Legislative Analyst and the Director of
10 Finance shall, with the assistance of the Board of Governors of the
11 California Community Colleges, the Trustees of the California
12 State University, and the Regents of the University of California,
13 jointly review the postsecondary education facilities funding
14 methodology and develop a plan for the construction of facilities
15 for all sectors of public postsecondary education. The plan shall
16 emphasize all of the following:

17 (1) Multiple-use facilities.

18 (2) Comprehensive space planning.

19 (3) Sharing of space among institutions.

20 (4) Incentives to maximize nonstate sources of capital outlay
21 funding.

22 (b) This section applies to the University of California only if
23 the Regents of the University of California consent thereto.

24 SEC. 5. Notwithstanding Section 17610 of the Government
25 Code, if the Commission on State Mandates determines that this
26 act contains costs mandated by the state, reimbursement to local
27 agencies and school districts for those costs shall be made pursuant
28 to Part 7 (commencing with Section 17500) of Division 4 of Title
29 2 of the Government Code. If the statewide cost of the claim for
30 reimbursement does not exceed one million dollars (\$1,000,000),
31 reimbursement shall be made from the State Mandates Claims
32 Fund.